

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION	}	MDL No. 2419 Master Dkt: 1:13-md002419-FDS
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**RESPONSE OF NON-PARTY UNIVERSAL PAIN MANAGEMENT TO “JOINT  
CHART”**

Nonparty healthcare provider Universal Pain Management Medical Corporation d/b/a Universal Pain Management (“UPM”), by and through its counsel, Law, Brandmeyer + Packer, LLP, respectfully submits this Response to the “Joint Chart” filed by the Plaintiffs’ Steering Committee (“PSC”) [Doc. 514].

UPM incorporates its Objections and Motion to Quash [Doc. 383]. UPM continues to assert these objections. In addition, UPM notes that the following objections asserted by UPM are not reflected in the Joint Chart:

- I(A) – Burden Objections: overly broad, not narrowly tailored, and unduly burdensome. These objections were asserted by UPM.
- II (F) – Jurisdiction and Procedural Objections: These objections were asserted by UPM, who is not a party to the multi-district litigation.
- V(S) – Relevance of insurance policies for non-parties. This objection was asserted by UPM.

UPM is also identified as a non-party who objected that service via Federal Express or Certified Mail (Section II(K)). However, this is inaccurate. UPM objected on the grounds that it was *never served* with a subpoena, and instead was advised that a subpoena was forthcoming. However, none was ever formally served.

It remains that the PSC has not complied with the requirements set forth in Federal Rule of Civil Procedure regarding service of subpoenas or this Court's orders. Furthermore, PSC has made no effort to establish the relevancy of documents which are properly objected to, including insurance policies of non-parties, information regarding purchases of compounded materials from sources *other than* NECC as well as business information. Finally, while the PSC has withdrawn its request for patient information related to recipients of certain compounded substances, it still seeks protected health information such as prescriptions.

Respectfully submitted,

LAW, BRANDMEYER + PACKER, LLP


By 

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**CERTIFICATE OF SERVICE**

I, Paul M. Corson, hereby certify that a true and accurate copy of the foregoing was served on all parties by virtue of the Court's electronic filing system this 23<sup>rd</sup> day of October, 2013

  
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PAUL M. CORSON